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| EXAMINER |
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TORIMIRO, ADETOKUNBO OLUSEGUN

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3714

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11/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,326

Applicant(s)

SHINODA, TOMOHIRO

Examiner

Adetokunbo O. Torimiro

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 10-14, 18-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-14, 18-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment received on 09/04/2007 has been considered. It has been noted that claims 1,2,10,11,18, and 19 have been amended. Claims 6-9,15-17, and 21 have been cancelled. New claims 22-29 have been added.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,12, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Yamada (US 6,398,651).

Re claims 1,2, and 18-20: Sparks II teaches a gaming system for providing a game comprising personal attribute information / *personal profile* storing means (24) for storing personal attribute information / *personal profile* corresponding to each of a plurality of players (see **fig. 2; col.5, lines 17-18 and 48-51**); a player group generating means for generating a player group being composed of at least the plurality of players based on the personal attribute information / *personal profile* of each of the plurality of players (see **col.6, lines 18-33**).

However, Sparks II fails to teach the gaming system for providing a game comprising special game shift means for causing the game to shift from a normal mode to a special mode

based on the personal attribute information of at least one of the plurality of players; comprising a game agent function unit adapted to serve as a player when the plurality of players are less than a predetermined number of players; special game shift before the game starts.

Yoseloff et al teaches the gaming system for providing a game comprising special game shift / *triggering event* means/unit/microprocessor for causing the game to shift from a normal mode to a special mode / *bonus event* based on the personal attribute information / *player identity* of at least one of the plurality of players (see par.30).

Yamada teaches comprising a game agent function unit adapted to serve as a player when the plurality of players are less than a predetermined number of players; special game shift of playing against computer rather than play against another player before the game starts (see col.9, lines 29-35).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a special game shift means for shifting to a special mode from a normal mode before the start of the game so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game It also would have been obvious to one of ordinary skill in the art at the time the invention was made to include determining step at the start of the game and the step of playing against another player or against the computer if there are not enough predetermined amount of players thereby removing the need for players to wait for other players before the game can be played.

Re claims 3 and 12: Sparks II teaches the gaming system wherein the personal attribute information / *personal profile* is composed of basic information originating from each of the plurality of the players (see fig.8; col.5, lines 8-13).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Yamada (US 6,398,651) and further in view of Vancura (US 6,033,307). The teachings of Sparks II, Yoseloff et al, and Yamada have been discussed above.

Re claim 4: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein at least one of the players playing the game in the special mode has a greater advantage than in the normal mode.

Vancura teaches the gaming system and method wherein at least one of the players playing the game in the special mode / *bonus game* has a greater advantage than in the normal mode (see col.3, lines 62-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include having a greater advantage in the special mode than in the normal mode of the game so as to increase the interest of the player thereby increasing enjoyment and excitement.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726) and Yamada (US 6,398,651) and

further in view of Slomiany et al (US 6,159,098). The teachings of Sparks II, Yoseloff et al, and Yamada have been discussed above.

Re claim 5: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode than in the normal mode.

Slomiany et al teaches the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode */bonus game* than in the normal mode */basic game* (see col.1, lines 45-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include larger amounts of credits in the special mode than in normal mode so as to produce a significantly higher level of player excitement thereby providing greater expectation of winning.

6. Claims 10,11, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726), Yamada (US 6,398,651), and Marks et al (US 5,882,260).

Re claims 10,27, and 29: Sparks II teaches a gaming method utilizing a plurality of gaming machines (18) connected via a communications network (16) connected to a communications network (16), and a gaming server (14) provided with a personal attribute information / *personal profile* storing region for storing personal attribute information / *personal profile* corresponding to each of a plurality of players participating in a game (see **figs.1 and 2; col.3, lines 1-9 and col.5, lines 17-18 and 48-51**).

However, Sparks II fails to teach the gaming method comprising server determining before the game starts whether the game should be shifted to a special mode based on features of the personal attribute information of at least one of the players; server transmitting a signal for causing the game to shift to the special mode to the gaming machine through the communications network in response to the generated event, and server awarding a title after the game name to a winner of the game according to the generated event.

Yoseloff et al teaches the gaming method comprising determining / *considered to determine* whether an event for causing the game to shift to a special mode / *bonus event* entitled a game name based on features of the personal attribute information / *player identity* is to be generated, transmitting a signal for causing the game to shift to the special mode to the gaming machine through the communications network in response to the generated event (see **par.30, lines 3-11**).

Yamada teaches special game shift of playing against computer rather than play against another player before the game starts; not dependent on the identity of the players but on the availability of players (see **col.9, lines 29-35**).

Marks et al teaches the gaming method comprising awarding / *declaring* a title to a winner of the game (see col.20, lines 18-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a method of determining an event for shifting to a special mode from a normal mode so that players of the game will have more chances to win during a special mode game play thereby increasing the player's enjoyment of the game and it is also obvious to award a title after the game name to a winner since awards may be in any form thereby making the player more interested in the game so as to be awarded the game name title.

Re claims 11 and 28: Sparks II teaches the gaming method further comprising the server generating a player group based on the features of the personal attribute information / *personal profile* of each of the plurality of players (see col.6, lines 18-33).

However, Sparks II fails to teach the gaming method further comprising determining whether the event for causing the game to shift to the special mode is to be generated based on the features of the personal attribute information of each of the players of the players of the player group; shift based on achievements in previous games.

Yoseloff et al teaches the gaming method further comprising determining / *considered to determine* whether the event / *triggering event* for causing the game to shift to the special mode / *bonus event* is to be generated based on the features of the personal attribute information / *player identity* of each of the players of the players of the player group; shift based on achievements in previous games / *predetermined outcomes* (see par.30, lines 3-11).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a special game shift means for shifting to a special mode from a normal mode so that players of the game will have more chances and opportunity to win during a game play thereby increasing the player's enjoyment of the game.

7. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Yoseloff et al (US 2002/0074726), Yamada (US 6,398,651) , and Marks et al (US 5,882,260) and further in view of Vancura (US 6,033,307). The teachings of Sparks II, Yoseloff et al, and Yamada have been discussed above.

Re claim 13: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein at least one of the players playing the game in the special mode has a greater advantage than in the normal mode.

Vancura teaches the gaming system and method wherein at least one of the players playing the game in the special mode / *bonus game* has a greater advantage than in the normal mode (see col.3, lines 62-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include having a greater advantage in the special mode than in the normal mode of the game so as to increase the interest of the player thereby increasing enjoyment and excitement.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US

6,352,479) in view of Yoseloff et al (US 2002/0074726), Yamada (US 6,398,651) , and Marks et al (US 5,882,260) and further in view of Slomiany et al (US 6,159,098). The teachings of Sparks II, Yoseloff et al, and Yamada have been discussed above.

Re claim 14: Sparks II teaches the gaming system and method for providing a game comprising personal attribute information.

However, Sparks II fails to teach the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode than in the normal mode.

Slomiany et al teaches the gaming system and method wherein game credits which serve as virtual currencies transferable among the players during the game and which are utilized for determining respective ranking positions of the players are awarded by the control device in a larger amount to a winner of the game in the special mode */bonus game* than in the normal mode */basic game* (see col.1, lines 45-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include larger amounts of credits in the special mode than in normal mode so as to produce a significantly higher level of player excitement thereby providing greater expectation of winning.

9. Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sparks II (US 6,352,479) in view of Dunlap (US 2002/0068630) and Marks et al (US 5,882,260).

Re claims 22 and 26: Sparks II teaches a gaming system for providing a game, comprising a gaming server (14), and a plurality of gaming terminals (18) connected via a communications network (16), each said gaming terminal being operable by one of a plurality of players; wherein the game server includes a storage device storing and providing personal attribute information / *personal profile* with storing region for storing personal attribute information / *personal profile* corresponding to each of a plurality of players participating in a game (see **figs.1 and 2; col.3, lines 1-9 and col.5, lines 17-18 and 48-51**); receive player entry signals sent from the gaming terminals, authentic players according to authenticate information input from the gaming terminals (106,108,110), generate a player group, determine whether the personal attribute information of each the players of the player group shares a common feature, generate a special game and send a special game start signal to the gaming terminals of the player group, when it is determined that the personal attribute information shares a common feature, manage the special game played by the player group, renew the personal attribute information of each player of the player group based on the result of the game / *after game play* (see **figs.5A,6B, and 12; abstract; col.5, lines 17-20 and col.6, lines 18-34**).

Re claims 23 and 24: The teachings of Sparks II have been disclosed above.

However, Sparks II does not teach wherein jewels and points are used for showing the results of the game, and the server in renewing the personal attribute information is configured to take a jewel form the lowest-scored player of the game, and give the jewel to the highest-scored player, and award points according to the results of the game; wherein

the server awards more points to the player, when the jewel is the birthstone of the player having personal attribute stored in the storage device.

Dunlap teaches awarding prizes to the winner/high-scored among the players where the player data/birthstone is associated with the user terminal and their respective associated key data (**see abstract**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the player's data and prize allocation of Dunlap into the system of Sparks II. One would be motivated to do this so has to have a system whereby prizes can be rewarded to the player that succeeds in the game above other players. The inclusion of Jewels as a prize type is simply a design choice since anyone familiar with games realizes that anything could be used as the payout and reward all depending on the inventor's choice.

Re claim 25: The teachings of Sparks II have been disclosed above.

However, Sparks II does not explicitly teach a game and a title thereof are related to common features in the personal attribute information of all players participating in the game, and the game server is further configured to award the title to the winner of the game.

Marks et al teaches a game and declaration/title related to the personal attribute of players and further awarding a title to the winner of the game (**see col.20, lines 10-21**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate awarding a title after the game name to a winner of

Marks et al into the system of Sparks II since awards may be in any form thereby making the player more interested in the game so as to be awarded the game name title.

Response to Arguments

10. Applicant's arguments and amendments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kelly et al teaches prize redemption system for games.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AT


ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER